

REMARKS

Claims 11, 13, 21, and 22 have been amended. Applicants acknowledge with gratitude the allowance of claims 18-20. Claims 11-17 and 21-22 will be pending in this application upon entry of this amendment. Applicants respectfully request reconsideration of the rejections of these claims for the reasons set forth below.

35 USC § 102 - prior Office action

In the latest Office Action, the Office rejects claims 21 and 22 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 7,264,351 (Shadduck '351) or U.S. Patent 7,278,739 (Shadduck '739).

Amended independent claim 21 recites, in part, a multi-focal contact lens manufactured at least partially from a responsive polymer gel, said lens capable of changes in shape with stimulus **during use by a wearer of the lens, wherein said at least one stimulus is responsive to eye movement of the wearer of the lens.** See paragraph [0032] of Applicants' published application for support.

The Examiner correctly stated, when discussing the allowable subject matter of claims 18-20 in the latest Office Action, that the prior art fails to disclose or suggest a chip monitoring eye movement and emitting the stimulus in response. Hence, amended independent claim 21, also reciting a stimulus that is responsive to eye movement, is allowable for similar reasons.

Applicants further note that the Office has failed to address the previously added limitation to claim 21 that the lens changes shape 'during use', which, in the context of a contact lens, is understood to mean when worn by a user on the eye. Amended claim 21 explicitly cites this feature. Applicants reiterate their statement that the Shadduck references disclose extreme heating processes during lens manufacture for switching between the two memory shapes of the lenses, a process that logically cannot be carried out when in use on the eye.

Amended independent claim 22 explicitly requires that the contact lens is worn when change of shape is effected and recites, in part, a responsive polymer gel capable of changing shape **when worn by a wearer of the lens, said changing shape triggered by eye movement of the wearer of the lens.**

In view of the foregoing, Applicant requests the 35 U.S.C. § 102 rejection of these claims be withdrawn.

35 USC § 112

Applicants request reconsideration of the rejection of claims 11-17 under 35 U.S.C. § 112, first paragraph. Applicants have amended the claims to remove the term 'continuous'. The remainder of the cited language, i.e., ' a responsive polymer gel capable of changes in shape', is supported by the Specification as filed. Accordingly, the Section 112 rejection has been overcome and the rejection should be withdrawn.

The Office argues that the term 'continuous changes in shape' in claims 11-17 is not enabled. Applicants disagree, and have previously made arguments about the responsive nature of polymer gels as known in the art, as well as the parts of the Specification that support the notion of continuous changes of polymer shape. Enablement does not require literal description of every word in the claim. The question is whether the person of ordinary skill in the art can make and use the invention. More than enough information is provided. However, in the interest of advancing prosecution, each of these claims has been amended to remove the 'continuous' term and to further recite '... changes in shape **when worn by a wearer of the contact lens**'. See at least paragraph [0034] of Applicants' published application for support.

Applicants have further amended claim 13 to recite that a stimulus causes the change of shape of the lens, and the stimulus corresponds to a detected condition in at least one eye of the wearer. The application discloses at least two specific examples of detected conditions to which the stimulus corresponds. These may be found on pages 7-8 of the application as filed. The Shadduck references, on the other hand, merely apply external "stimulus" (heat) during lens manufacture and before lens use. The lens is in no way responsive to stimulus corresponding to detected conditions within at least one eye, as required by the claim. Accordingly, Shadduck cannot disclose that the **lens changes shape in response to the application of stimulus corresponding to a detected condition in at least one eye of the wearer**.

Conclusion

Applicants respectfully request allowance of the claims for the reasons set forth above.

The Commissioner is hereby authorized to charge any fees in connection with this response to Deposit Account No. 19-1345.

Respectfully submitted,

/Kurt F. James/

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